



San Lorenzo Unified School District

Received & Inspected

BOARD OF EDUCATION

Norman D. Fobert, President
Helen K. Foster, Vice President/Clerk
Isabel Polvorosa
Helen T. Randall
James E. Sherman

SUPERINTENDENT

Dr. Dennis D. Byas

ASSISTANT SUPERINTENDENT

Lowell Shira, Ph.D., Business Services
Sharon J. Lampel, Personnel Services

FCC Mail Room

February 3, 2011

Refer to: CC Docket No. 02-6
CC Docket No. 96-45

DOCKET FILE COPY ORIGINAL

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capital Heights, MD 20743

To Whom It May Concern:

Subject: Request for Review

Applicant Information:

- | | |
|----------------------------------|---|
| (1) Applicant Name: | San Lorenzo Unified School District |
| (2) Billed Entity Number: | 144222 |
| (3) Form 471 Application Number: | 678924 |
| (4) Funding Request Numbers: | 1862369, 1862380, 1862385, 1862395, 1862401 |
| (5) Contact Name: | Dr. Dennis D. Byas |

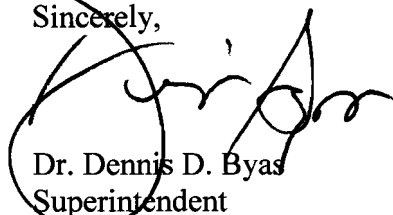
It is requested that you review the decision made by USAC in their Letter of Denial dated December 16, 2010.

The San Lorenzo Unified School District believes and the facts strongly support that the posting error of ZERO workdays (three calendar days) did not violate the intent of the posting regulation for the RFP. The posting date was Friday, January 16, 2009, but should have been Monday, January 19, 2009. However, please note that January 17th was Saturday, January 18th was Sunday and January 19th was Martin Luther King Day, a holiday for school districts in California. The fact is that there was no contact from any vendors or potential bidders during the last 2-3 weeks before the due date, therefore it is our contention that no potential bidders were harmed by having the incorrect due date posted. The additional fact is that the District made no decision on vendor selection until after January 19, 2009, the correct date for responses to the RFP. If any vendor had protested or filed a late proposal, they would not have been excluded if a bid was received by January 19, 2009.

No. of Copies rec'd 0
LIBI ABCDE

We realize that the error violated the rules of the 28 day posting requirement, but again, it was an administrative error and not an attempt to circumvent any rules or regulations. In fact, the error did not result in the circumvention of any rules or regulations and did not violate the intent of any rules or regulations. The only harm done is in denying funds that are greatly needed by this School District in its pursuit of educating our students. On that basis, we would ask that the Federal Communications Commission and/or its representatives please allow our appeal to be approved and release the E-Rate funds that are so badly needed.

Sincerely,



Dr. Dennis D. Byas
Superintendent

Phone: (510) 317-4690

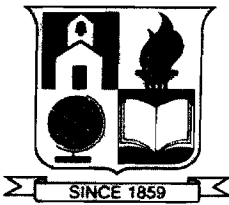
Fax: (510) 278-3048

dbyas@slzusd.org

Enclosures:

- (1) Our Letter of Appeal dated Nov 5, 2010
- (2) USAC Acknowledgement Letter dated Dec 7, 2010
- (3) USAC Decision on Appeal dated Dec 16, 2010

Cc: Lowell Shira
Linda Heffner



San Lorenzo Unified School District

BOARD OF EDUCATION

Norman D. Fobert, President
Helen K. Foster, Vice President/Clerk
Isabel Polvorosa
Helen T. Randall
James E. Sherman

SUPERINTENDENT

Dr. Dennis D. Byas

ASSISTANT SUPERINTENDENT

Lowell Shira, Ph.D., Business Services
Sharon J. Lantz, Personnel Services

Received & Inspected

NOV 07 2011

FOO Mail Room

November 5, 2010

Letter of Appeal
Schools and Libraries Division-Correspondence Unit
100 S. Jefferson Road
P.O. Box 902
Whippany, NJ 07981

Attention: Schools and Libraries Division

To Whom It May Concern:

This is an appeal of the funding decisions dated October 20, 2010 for the following entity and Funding Request Numbers:

San Lorenzo Unified School District
Billed Entity Number: 144222
Form 471 Application Number: 678924
Funding Commitment Decision Letter for Funding Year 2009
Service Provider Name: AMS.Net Inc.
Service Provider SPIN: 143005880

FRNs: 1862369, 1862380, 1862385, 1862395, 1862401

The decision explanation:

The RFP response date was 16 January 2009 which is prior to the 28 days waiting period. Although you indicated in your Selective Review response that the RFP due date of 19 January 2009 was in error, you failed to advise potential bidders of the revised RFP bid submission due date. As a result, the RFP was not available for 28 days after the filing of the Form 470.

Our appeal:

The San Lorenzo Unified School District put out an RFP for Internal Connections for 5 school sites. We published the availability of the RFP in the local newspaper on Thursday, December 18, 2008. Due to an administrative error, the RFP was available for 25 days rather than the required 28 days. However, it is clear that this administrative error did not negatively impact any vendor, taxpayer or any other entity. Therefore, we strongly believe that the San Lorenzo schools and children we serve should not be so harshly penalized as a result of this error.

The E-Rate Consultant, Rick Del Valle, advised the District to post the RFP on the District's website on Friday, December 19, 2008 and that he would post the Form 471 the same day. That being done, the RFP due date would be January 16, 2009, or 28 days after the posting date. The District's webmaster was advised to contact the consultant when the RFP was posted so that he could release the Form 471 which was in the USAC system waiting to be submitted.

The webmaster posted the RFP on the District's website on Friday, December 19, but did not notify the consultant. On Monday, December 22, 2008, the consultant saw the RFP on the website and released the Form 471. He then sent an e-mail to the District's Information Technology Director (Art Cipriano) and the webmaster advising them to change the RFP response date to January 19, 2009 from January, 16, 2009 to comply with the 28 day requirement.

There was no follow-up to verify that the website RFP posting date had been changed, but the consultant and or I.T. staff were operating on handling any RFP responses with the January 19, 2009 date in mind. On January 19, the consultant (Mr. Del Valle) sent the I.T Director an e-mail advising that the RFP closing date was that day and to note in the file how many RFP responses had been received.

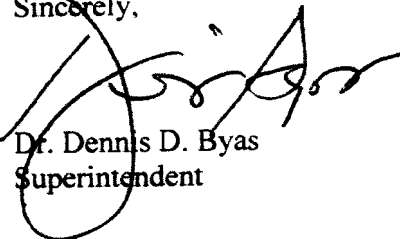
Five vendors requested bid documents, but no requests were received after December 31, 2008. Only one vendor submitted a bid which was also received before December 31, 2008.

A decision to award the bids was not made until February 3, 2009 and the vendor contract was not signed until February 6, 2009.

The San Lorenzo Unified School District feels that the failure to comply with the 28 day E-Rate regulation (and mistakenly posted for only 25 days) was an administrative error and not any attempt to bypass or subvert the E-Rate process. The fact that the RFP was advertised before the Form 471 was issued, and that no vendors requested documents, or responded, after December 31, 2008, would seem to show that the failure to extend the posting to January 19th and complete the 28 day posting time, did not prevent any vendor from competing for the District's business.

We believe that the District fully complied with the intent of the regulations, but did make an administrative error. Since it is clear that this administrative error had no negative impact on any party, we strongly believe that the schools and children of San Lorenzo should not be so harshly penalized.

Sincerely,



Dr. Dennis D. Byas
Superintendent



Received & Inspected

SAN LORENZO USD
RECEIVED

FEB 07 2011

Schools and Libraries Division

FCC Mail Room

DEC 10 2010

OFFICE OF THE
SUPERINTENDENT

Administrator's Appeal Acknowledgement Letter
(Funding Year 2009: 07/01/2009 -06/30/2010)

December 7, 2010

Dr. Dennis D. Byas
San Lorenzo Unified School District
15510 Usher Street
San Lorenzo, CA 94580

Subject: San Lorenzo Unified School District

Dr. Dennis D. Byas,

Universal Service Administrative Company has received your correspondence dated November 05, 2010 on November 12, 2010 regarding the 2009 funding decision of your Form 471 Application Number 678924, FRNs 1862369, 1862380, 1862385, 1862395 and 1862401 respectively.

These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the Program Integrity Assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. A Revised Funding Commitment Decision Letter will follow for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We will perform an in-depth review of your appeal. Our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your appeal with the care and attention it deserves.

Universal Service Administrative Company

ENCL (2)

Received & Inspected

FEB 07 2011



Universal Service Administrative Company
FCC Mail Room
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2009-2010

December 16, 2010

Dr. Dennis D. Byas
San Lorenzo Unified School District
15510 Usher Street
San Lorenzo, CA 94580-1641

Re: Applicant Name: SAN LORENZO UNIF SCHOOL DIST
Billed Entity Number: 144222
Form 471 Application Number: 678924
Funding Request Number(s): 1862369, 1862380, 1862385, 1862395, 1862401
Your Correspondence Dated: November 05, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2009 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1862369, 1862380, 1862385, 1862395, 1862401
Decision on Appeal: **Denied**
Explanation:

- According to our records, the applicants RFP due date was January 16, 2009. The Allowable Contract Date on the cited establishing Form 470: 258630000715467 was January 19, 2009. According to the rules of this Support Mechanism the RFP due date must coincide or be later than the Form 470 Allowable Contract Date. Although it was indicated by the applicant on the Selective Review response and again on appeal that the RFP due date of January 16, 2009 was an error, the applicant failed to advise all potential bidders of this error and that the RFP due date was actually later than January 16, 2009. On appeal, the applicant has not provided any additional information to overcome the initial violation. As a result, the RFP was not available for the full 28 day waiting period after the filing of the Form 470. Therefore the appeal is denied.

ENCL (3)

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to GC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

ENCL (3)